

REMARKS

Claims 1-9 and 11-16 are pending in the application after entry of this amendment. Claim 10 has been canceled. Claims 1-4, 9, 11, and 13-15 have been amended to clarify that the invention is intended to cover singular referents to halide and salt. As originally written, the plural referents halides and salts could incorrectly be interpreted as requiring multiple types of halides and/or salts. Claim 10 has also been amended to include the metallizing step of original claim 10. Support for the amendments can be found in the specification and original claims of the application.

I. CLAIM REJECTIONS BASED ON NON-STATUTORY DOUBLE PATENTING

A. Rejection of Claims 10-15

The Office Action has rejected claims 10-15 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 28 of U.S. Patent No. 7,175,930 (Attorney Docket No. 03234.0017U2) in view of U.S. Patent No. 4,713,408 to Jasne (hereinafter "Jasne"). In order to expedite prosecution and not admitting any obviousness, applicant requests that the enclosed Terminal Disclaimer under 37 C.F.R. § 1.321(c) be entered and the rejection withdrawn.

B. Rejection of Claims 1-15

The Office Action has provisionally rejected claims 1-15 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-12 and 15-20 of copending application No. 10/786,652 (hereinafter the '652 application; Attorney docket no. 03234.0018U3) in view of U.S. Patent No. 6,132,645 to Hedges (hereinafter "Hedges"). In order to expedite prosecution and not admitting any obviousness, applicant requests that the enclosed Terminal Disclaimer under 37 C.F.R. § 1.321(c) be entered and the rejection withdrawn.

C. Rejection of Claim 10

The Office Action has provisionally rejected claim 10 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 34 of

copending application No. 10/445,074 (hereinafter the '074 application; Attorney docket no. 03234.0018U2) in view of Hedges and Jasne. In order to expedite prosecution and not admitting any obviousness, applicant requests that the enclosed Terminal Disclaimer under 37 C.F.R. § 1.321(c) be entered and the rejection withdrawn.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

A. Rejection of Claims 1-9 under 35 U.S.C. § 103(a)

The Office Action has rejected claims 1-9 under 35 U.S.C. § 103(a) as allegedly being obvious over Hedges in view of Jasne. Applicant respectfully disagrees with this rejection for the following reasons.

Claim 1, as amended, incorporates the metallizing step of original claim 10. Original claim 10 has been canceled and claims 11 and 13 have been amended to depend from amended claim 1.

As an initial matter, Hedges alone would not have rendered the invention of amended claim 1 obvious. The claims of the present application, as amended, are directed towards a method for oxidatively polymerizing the monomer of a conducting polymer and then metallizing the conducting polymer-grafted carbonaceous material. The composition produced by the methods of the present invention can be useful in devices such as fuel cells, batteries, and capacitors. Such devices can utilize the metal as a catalytic material for the redox reaction taking place in the device.

Hedges does not motivate such a combination of *inter alia*, a particulate carbonaceous material and a metal, because Hedges is not directed to a device having catalytic requirements. Instead, Hedges uses a conductive polymer incorporated into a polymer matrix, such as nylon. Hedges would not have been motivated to incorporate a metal because Hedges is directed to a charge dissipation or anti-static device. Hedges conducts and moves electrons away from chemical transport lines. There would be no purpose served in Hedges to incorporate a metal catalyst to achieve this function. Rather, Hedges uses a conductive polymer.

Indeed, catalytic metals, such as those of the claimed invention, are not generally compatible with flammable materials. The addition of a catalytic metal into the composition described in Hedges would have been detrimental when used for the transport of volatile fuels and chemicals. Thus, a fair reading of Hedges would not have led one to combine a metal material with the carbon black coated with conducting polymer of Hedges because Hedges' utility is safe charge dissipation.

Jasne is directed to methods for oxidatively polymerizing conducting polymers using various oxidizing agents. The combination of Hedges in view of Jasne would not have provided the invention of amended claim 1, because, *inter alia*, neither Hedges nor Jasne disclose a metallizing step. Further, the combination of Hedges in view of Jasne would not have rendered the claimed invention obvious because neither Hedges nor Jasne teach or suggest a method for preparing a metallized carbon composition. Therefore, this rejection should be withdrawn.

B. Rejection of Claims 1-15 under 35 U.S.C. § 103(a)

The Office Action has rejected claims 1-15 under 35 U.S.C. § 103(a) as allegedly being obvious over published application WO 03/100884 to Srinivas (hereinafter "Srinivas publication," Attorney Docket No. 03234.0018P1), in view of Jasne. Applicant respectfully disagrees with this rejection for the following reasons.

The inventions of both the PCT application (PCT/US2003/16320), from which the Srinivas publication arose, and the present application have the same inventorship. The sole inventor of both applications is Srinivas Bollepalli. Both applications were originally filed with the sole inventor correctly listed as Bollepalli Srinivas. After filing, the inventor changed his name from Bollepalli Srinivas to Srinivas Bollepalli. Enclosed are copies of the Decision on Petition granting the name change in this matter and a copy of the Notification of the Recording of a Change (PCT/IB/306) reflecting the name change in the PCT application. The inventor in both this matter and the PCT application are the same person. Thus, the Srinivas publication and the present application are not by "another," and so the Srinivas publication cannot serve as prior art under either 35 U.S.C. § 102(a) or § 102(e) to support a rejection under 35 U.S.C. § 103(a).

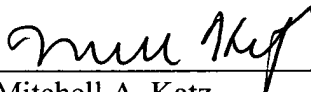
ATTORNEY DOCKET NO. 03234.0017U3
APPLICATION NO. 10/786, 651

As the Srinivas publication cannot be used to support a 35 U.S.C. § 103(a) rejection, the rejection over Srinivas in view of Jasne should be withdrawn.

A Credit Card Payment Form PTO-2038 authorizing payment check in the amount of \$590.00, representing \$460.00 for the fee for a Request for Two Month Extension of Time under 37 C.F.R. § 1.17(a)(3), and \$130.00 for the fee under 37 C.F.R. § 1.20(d) is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

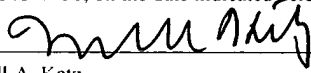


Mitchell A. Katz
Registration No. 33,919

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300 Phone
(678) 420-9301 Fax

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

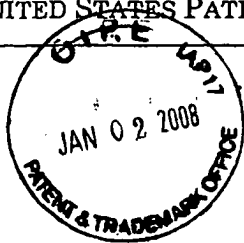


Mitchell A. Katz

27 December 2007
Date



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NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

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MAR 14 2007

OFFICE OF PETITIONS

In re Application of
Srinivas Bollepalli
Application No. 10/786,652
Filed: February 25, 2004
Attorney Docket No. 03234.0018U3

DECISION ON PETITION


This is a decision on the petition under 37 CFR 1.182, filed, October 20, 2006, to change the name of inventor "Bollepalli Srinivas" to – Srinivas Bollepalli – and citizenship from India to the United States of America.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name and citizenship. A corrected Filing Receipt, which reflects the inventor's changes, accompanies this decision on petition.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1751 for processing.


Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

DOCKETED

By 124 Date 11/19/04
 Reviewed _____
 Name/Date PCT

**NOTIFICATION OF THE RECORDING
OF A CHANGE**

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

RECEIVED

NOV 19 2004

ADES, Patricia, L.
 Needle & Rosenberg, P.C.
 Suite 1000
 999 Peachtree Street
 Atlanta, GA 30309
 United States of America

NEEDLE & ROSENBERG

Date of mailing (day/month/year)

03 November 2004 (03.11.2004)

Applicant's or agent's file reference

03234.0018P1

International application No.

PCT/US2003/016320

International filing date (day/month/year)

23 May 2003 (23.05.2003)

IMPORTANT NOTIFICATION

1. The following indications appeared on record concerning:

☐

the applicant

☒

the inventor

☐

the agent

☐

the common representative

Name and Address

SRINIVAS, Bollepalli
 1888 Wilkenson Crossing
 Marietta, GA 30066
 United States of America

State of Nationality

State of Residence

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐

the person

☒

the name

☐

the address

☐

the nationality

☐

the residence

Name and Address

BOLLEPALLI, Srinivas
 1888 Wilkenson Crossing
 Marietta, GA 30066
 United States of America

State of Nationality

State of Residence

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒

the receiving Office

☐

the International Searching Authority

☒

the International Preliminary Examining Authority

☐

the designated Offices concerned

☒

the elected Offices concerned

☐

other:

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.71.30

Authorized officer

Junko TAKEUCHI (Fax: 338 71 30)

Telephone No. (41-22) 338 8446